

88-11-005-0750-211

ELLEN S. ROBERTS

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**SENATE
STATE OF COLORADO
DENVER**

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Health and Human Services
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Local Government & Energy

[Signature]
EPR *[Signature]*

December 12, 2011


1260566 - R8 SDMS

James B. Martin
Administrator - Region 8
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202

RE: Letter Supporting Collaborative Process of the Animas River Stakeholders Group

Dear Administrator Martin,

Thank you for your attention and concern regarding the water quality of the Animas River, beginning in its headwaters above Silverton, Colorado. This area is in my state senate district and is in the state house district that I previously represented. As you and I have discussed already on the phone, this issue has most recently caught the attention of many in my district, including me, as it relates to the possible listing of the area of Cement Creek as a possible Superfund site.

Over the past several months, I've attended meetings with different parties involved in the matter, including the affected local governments, members of the Animas River Stakeholders, and representatives from Sunnyside Mining Corporation. I wanted to get a better sense of the contributing factors to the water quality problem and to learn how these stakeholders propose to improve on the situation and, finally, whether they support a Superfund listing to accomplish this challenging task.

For a variety of reasons which you've already heard from others as well as from me, I'd ask that you please allow a solution to the problem arise through the active engagement and use of the existing collaborative process of the Animas River Stakeholders Group.

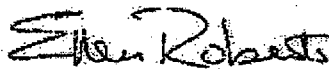
Rarely, if ever, in the 5 years that I've served this area as a state legislator, has there been unanimous agreement among such diverse local stakeholders as to how to proceed in a matter, especially one as important as the water quality issues we face in this situation. I can assure you that with the unanimous expressed preference that I've heard for using the collaborative process over a Superfund listing, the parties are all interested in arriving at a solution that mitigates the currently unacceptable mineral levels in the Animas River.

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U.S. EPA Region 8
RA's Office

DEC 19 2011

I add my own voice to the sizeable group of concerned citizens, businesses, organizations, and governmental officials representing this area to ask that you not list the Cement Creek area as a Superfund site, but instead use the existing collaborative process of the Animas River Stakeholders Group to arrive at a timely and reasonable approach to addressing this problem. Please do not hesitate to call me, if I can be of any assistance or if you have any questions for me. Thank you, Jim, for your time and consideration of my request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ellen Roberts". The signature is written in a cursive, flowing style.

Ellen S. Roberts
Colorado State Senator
Senate District 6

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Correspondence Management System

Control Number: R8-11-002-0958-EPR

Printing Date: December 19, 2011 04:28:57



Citizen Information

Citizen/Originator: Roberts, Ellen

Organization: CO State Sen

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: R8-11-002-0958-EPR

Alternate Number: N/A

Status: Appropriate Action

Closed Date: N/A

Due Date: Jan 2, 2012

of Extensions: 0

Letter Date: Dec 12, 2011

Received Date: Dec 19, 2011

Addressee: R8-Regional Administrator -
Region 8

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: R8-Program/Office Director

Signature Date: N/A

File Code: 404-141-02-01_141_a(1) Controlled and Major Corr. Record copy of of the offices of the EPA
Administrator & other senior officials - Nonelectronic

Subject: Cement Creek

Instructions: Assigned to Sabrina Forrest EPR.

Instruction Note: Please prepare reply for Program/Office Director signature and send copy to the RA's Office.

General Notes: N/A

CC: N/A

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Lead Information

Lead Author: N/A

DEC 20 2011
EPR-IO
JLM
David
Mike
Holme

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jim Lippincott	R8	R8-EPR	Dec 19, 2011	Jan 2, 2012	N/A
Instruction: Assigned to Sabrina Forrest EPR.					

4188

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
Jim Lippincott	R8	Assign R8-EPR as lead office	Dec 19, 2011



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

January 25, 2012

Ref: OCPI

The Honorable Ellen S. Roberts
Colorado State Senator
P.O. Box 3373
Durango, CO 81302

RE: Upper Cement Creek, Silverton, Colorado

Dear Senator Roberts:

Thank you for your December 12, 2012, letter in support of a collaborative process using the Animas River Stakeholder Group to address water quality in Upper Cement Creek.

As you are aware, we have heard from a number of citizens, other elected officials and stakeholders who have voiced similar interest in working collaboratively to address water quality in Upper Cement Creek. Let me assure you that the United States Environmental Protection Agency (EPA) has not made a decision concerning National Priorities Listing (NPL) of the Upper Cement Creek area. The decision to propose a site for the NPL can only be made after a technical evaluation is completed to determine if the site is NPL eligible. The EPA is just completing this technical evaluation. In addition, both the State and the EPA seek community support prior to a site being proposed for listing and the EPA wants the community to understand why we are looking at this option.

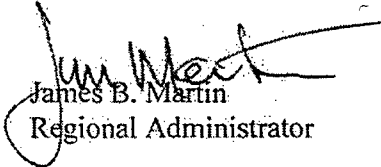
More than 15 years ago, the EPA committed to a community-based environmental protection effort in San Juan County, and indicated that Superfund would not be used as long as progress was being made in improving water quality in the Animas River. Unfortunately, water quality has significantly degraded in the river in the last five years. It is evident that historic mine waste in Cement Creek, a tributary of the Animas, is having a negative impact on the river's water quality. These impacts are likely related to cessation of water treatment in Gladstone and plugging of the American Tunnel. The EPA has compared the last five years of data to earlier data sets that indicated improvements in water quality. The Animas River Stakeholder Group has summarized some of these data and the EPA is also evaluating these data. If experience in other mining impacted areas is any guide, the resources required for solutions to this sort of problem will be substantial and long-term operation and maintenance of the solution or solutions may be required.

The EPA is working with other federal agencies, the State, and local community members to identify options to reverse the degradation and improve water quality in the Animas. It is too soon to make conclusions about how best to accomplish this goal. However, if the best solutions require substantial

and long-term resources, the CERCLA process (Comprehensive Environmental Response, Compensation, and Liability Act) and the NPL may be the only means to assure that full resources available to the EPA can be committed. Without CERCLA and the NPL process, the EPA is also limited in its ability to fund interim actions and long-term projects that require ongoing operations and maintenance.

The EPA looks forward to continuing the dialogue with you, other local elected officials, and the community regarding possible options to address water quality issues in Upper Cement Creek. If you or your staff would like to discuss this further, please contact me or Martin Hestmark, Acting Assistant Regional Administrator for the Office of Ecosystem Protection and Remediation at 303-312-6776 or hestmark.martin@epa.gov.

Sincerely,


James B. Martin
Regional Administrator

